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**F A X C O V E R P A G E**

**Date:** July 15, 2004

**Total Pages:** 13  
(including cover)

**To:** Examiner Doshie Day,  
U.S. Patent Office

**Fax:** 1.703.305.9822  
**Phone:** 1.703.308.3640

**From:** Adrienne Yeung

**Fax:** 408.278.8209  
**Phone:** 408.282.1809  
**E-Mail:** ayeung@thelenreid.com

SERIAL NO.: 09/760.130 VIA FAX ONLY  
FILED: 1/12/01  
TRP DOCKET NO.: 033905-014

Dear Examiner Day:

Thank you for taking your time to speak with me about the above referenced patent application. Respectfully submitted, is a true copy of the Petition to Withdraw Holding of Abandonment filed on November 18, 2003, and confirmation of receipt dated November 21, 2003.

If you have any questions, please do not hesitate to contact me directly. Thank you for your attention to this matter.

Sincerely,

  
Adrienne Yeung

AY/rr

In case of a problem with this transmission, please call the Fax Operator at 408.282.1866

JOB #	ATTORNEY #	CLIENT-MATTER	RETURN TO	ROOM #
	40532	33905/14		

**IMPORTANT:** This fax transmission is intended only for the addressee. It contains information from the law firm of Thelen Reid & Priest LLP which may be privileged, confidential and exempt from disclosure under applicable law. Dissemination, distribution, or copying of this by anyone other than the addressee or the addressee's agent is strictly prohibited. If this transmission is received in error, please notify Thelen Reid & Priest LLP immediately at the telephone number indicated above. We will reimburse your costs incurred in connection with this erroneous transmission and your return of these materials. **THANK YOU.**

SV #173686 v1

Serial/Patent No.: 09/760,130

Filing/Issue Date: 1/12/01

Applicant: Jeffrey C. Herold

Title: Ergonomically Configured Shoulder Straps System

TRP Docket No.: 033905-000014

Any/Sec'y Initials: AY/dm

Date Mailed: 11-18-03

Docket Due Date:

The following has been received in the U.S. Patent &amp; Trademark Office on the date stamped hereon:

- ☐ Amendment/Response (\_\_\_\_ pgs.)
- ☐ Appeal Brief (\_\_\_\_ pgs.) (in triplicate)
- ☐ Application - Utility (\_\_\_\_ pgs. with cover & abstract)
- ☐ Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) Division (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(b) CIP (\_\_\_\_ pgs.)
- ☐ Application - Rule 1.53(d) CPA (\_\_\_\_ pgs.)
- ☐ Application - PCT (\_\_\_\_ pgs.)
- ☐ Application - Provisional (\_\_\_\_ pgs.)
- ☐ Assignment and Cover Sheet
- ☐ Certificate of Correction
- ☐ Certificate of Mailing
- ☐ Declaration & IOA (\_\_\_\_ pgs.)
- ☐ Fee Transmittal
- ☐ Drawings (informal):  
\_\_\_\_ # of sheets includes \_\_\_\_ figures

- ☒ Other:  
Petition to Withdraw Holding of Abandonment

- ☐ IDS & PTO 1449 (\_\_\_\_ pgs.)
- ☐ Pieces of Prior Art Enclosed
- ☐ Issue Fee Transmittal
- ☐ Submission of Formal Drawings:  
\_\_\_\_ # of sheets includes \_\_\_\_ figures
- ☐ Notice of Appeal
- ☒ Postcard
- ☐ Preliminary Amendment (\_\_\_\_ pgs.)
- ☐ Reply Brief (\_\_\_\_ pgs.)
- ☐ Req and Cert. Not to Publish - Rule 1.213
- ☐ Request for Continued Examination (RCE) (\_\_\_\_ pgs.)
- ☐ Request for Extension of Time \_\_\_\_ Month(s)
- ☐ Response to Notice to File Missing Parts
- ☐ Copy of PTO Notice to File Missing Parts
- ☒ Transmittal Letter (original & copy)
- ☐ Express Mail No.: \_\_\_\_
- ☐ Check(s) \$ \_\_\_\_
- ☐ Deposit Acct. No. 50-1698 \$ \_\_\_\_
- Patent Code: \_\_\_\_
- Client/Matter # 33905-14

**CANCELLED**

NOV 21 2003

Serial/Patent No.: 09/760,130

Filing/Issue Date: 1/12/01

Applicant: Jeffrey C. Herold

Title: Ergonomically Configured Shoulder Straps System

TRP Docket No.: 033905-000014

Atty/Secy Initials: AY/dm

Date Mailed: 11-18-23

Docket Due Date:

The following has been received in the U.S. Patent &amp; Trademark Office on the date stamped hereon:

- |  |  |
|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)                          | <input type="checkbox"/> IDS & PTO 1449 (____ pgs.)                          |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                | <input type="checkbox"/> ____ Pieces of Prior Art Enclosed                   |
| <input type="checkbox"/> Application - Utility (____ pgs. with cover & abstract) | <input type="checkbox"/> Issue Fee Transmittal                               |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)     | <input type="checkbox"/> Submission of Formal Drawings:                      |
| <input type="checkbox"/> Application - Rule 1.53(b) Division (____ pgs.)         | ____ # of sheets includes ____ figures                                       |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)              | <input type="checkbox"/> Notice of Appeal                                    |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA (____ pgs.)              | <input checked="" type="checkbox"/> Postcard                                 |
| <input type="checkbox"/> Application - PCT (____ pgs.)                           | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                   |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                   | <input type="checkbox"/> Reply Brief (____ pgs.)                             |
| <input type="checkbox"/> Assignment and Cover Sheet                              | <input type="checkbox"/> Req and Cert. Not to Publish - Rule 1.213           |
| <input type="checkbox"/> Certificate of Correction                               | <input type="checkbox"/> Request for Continued Examination (RCE) (____ pgs.) |
| <input type="checkbox"/> Certificate of Mailing                                  | <input type="checkbox"/> Request for Extension of Time ____ Month(s)         |
| <input type="checkbox"/> Declaration & POA (____ pgs.)                           | <input type="checkbox"/> Response to Notice to File Missing Parts            |
| <input type="checkbox"/> Fee Transmittal   | <input type="checkbox"/> Copy of PTO Notice to File Missing Parts            |
| <input type="checkbox"/> Drawings (Informal):                                    | <input checked="" type="checkbox"/> Transmittal Letter (original & copy)     |
| ____ # of sheets includes ____ figures   | <input type="checkbox"/> Express Mail No.: ____                              |
| <input checked="" type="checkbox"/> Other:                                       | <input type="checkbox"/> Check(s) \$ ____                                    |
| Petition to Withdraw Holding of Abandonment                                      | <input type="checkbox"/> Deposit Acct. No. 50-1698 \$ ____                   |
|  | Patent Code: ____  |
|  | Client/Matter # 33905-14   |

DOCKETED  
NOV 18 2003

PTO/SB/21 (08-03)

Approved for use through 07/31/2006, OMB 0651-0031  
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/760,130
	Filing Date	1/12/01
	First Named Inventor	Jeffrey C. Herold
	Art Unit	unknown
	Examiner Name	unknown
Total Number of Pages in This Submission	Attorney Docket Number	033905-000014

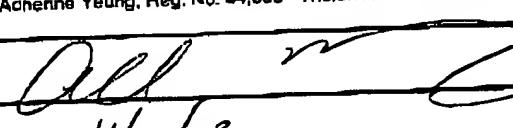
## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):

Petition to Withdraw Holding of Abandonment; return postcard

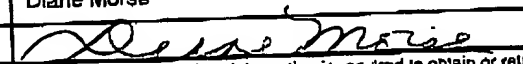
Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Arienne Yeung, Reg. No. 44,000 - Thelen Reid & Priest LLP
Signature	
Date	11/17/03

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Diane Morse	Date	11-18-03
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Jeffrey C. Herold  
SERIAL NO.: 09/760,130  
FILING DATE: January 12, 2001  
TITLE: **ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM**  
EXAMINER: Not assigned  
ART UNIT: Not assigned

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date printed below:

Date: 11-18-03Name: Diane Morse

Diane Morse

**MAIL STOP PETITION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

The Applicant received a Notice of Termination of Proceedings Under 37 CFR 1.53(e) of this application mailed October 29, 2003. (A copy of the Notice is enclosed.) However, the Applicant does not believe that the application should have been abandoned and hereby petitions that the holding of abandonment be withdrawn for the following reasons.

The Notice of Termination indicates that the application was abandoned because the applicant failed to timely or properly reply to the Notice to File Corrected Application Papers mailed on February 26, 2001. However, the Applicant did in fact timely and properly reply by mailing 1) drawing figure 1.; 2) eight claims; 3) Abstract; and 4) a copy of the Notice. Enclosed

are copies of those documents with the certificate of mailing indicating that those documents were mailed to the PTO March 10, 2001.

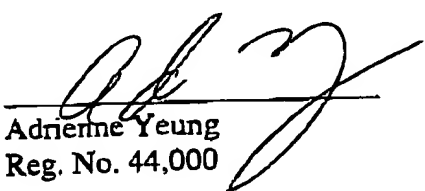
Accordingly the Applicant respectfully requests that the holding of abandonment be withdrawn and that examination of the application continue.

It is believed that no fee is required for filing the above-noted document. In the event any fee is required for filing of this Petition to Withdraw Holding of Abandonment, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 50-1698. A duplicate of this page is enclosed.

Respectfully submitted,

Thelen Reid & Priest LLP

Dated: November 17, 2003

  
Adrienne Yeung  
Reg. No. 44,000

Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95110  
(408) 292-5800  
(408) 287-8040 (Fax)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/760,130		Jeffrey Herold	033905-014

Robert E. Krebs  
Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640

CONFIRMATION NO. 2248  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000011127094\*

Date Mailed: 10/29/2003

### NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e)

Proceedings on the above-identified application number are **TERMINATED**.

The application did not meet the requirements of 37 CFR 1.53(b), (c), or (d) to be entitled to a filing date, and the filing error(s) specified in the Notice mailed on 02/26/2001 were not timely corrected (37 CFR 1.53(e)).

The \$ 355 fee submitted with the application, less a \$130.00 handling fee, will be refunded or credited to your deposit account.

*A copy of this notice **MUST** be returned with the reply.*

*J. Stokes*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

In Re: Herold, J.

Serial Number 09/760,130

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on 03/10/2001

Date

  
Signature

Joseph Page

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Missing Parts Transmittal

Figure 1

Abstract

Claims (8)

Copy of Notice

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**In the United States Patent and Trademark Office**

Applicant : Herold, Jeffrey  
5 Serial No. : 09/760,130  
Filed : 01/12/2001  
Title : " Ergonomically Configured Shoulder Straps System "

Date: March 10, 2001

10

**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**

**Missing Parts Transmittal**

15

After receipt of Notice of Incomplete Nonprovisional Application mailed 02/26/2001, a review of the file copy in our office was made. It has been determined that an error, probably a result of a copier misfeed, left the submitted copy without claims, an abstract, and drawing figure #1. Please note that the notice omits notice regarding figure 1, but nevertheless, it appears to also be missing.

20

Thus, submitted herewith are the claims (8), the abstract, and drawing figure 1. Please enter these into the file. Please further note that the original declaration was properly signed in view of the original eight claims and thus operates thereon with need for new declaration and no new declaration is being submitted.

Please direct any questions to me as soon as possible so they can receive my  
25 immediate attention.

Respectfully submitted,



Joseph Page



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/760,130	01/12/2001	Jeffrey Herold	236.8

24734  
PAGE LOHR ASSOCIATES  
PO BOX 757  
LA JOLLA, CA 92038

CONFIRMATION NO. 2248

## FORMALITIES LETTER



"OC000000005796955"

Date Mailed: 02/26/2001

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification does not include at least one claim.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

  
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